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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,045	09/13/2003	David J. Laverick	702.276	1970
38933	7590	12/08/2005	EXAMINER	
DEVON A. ROLF GARMIN LTD. 1200 EAST 151ST STREET OLATHE, KS 66062			LUU, MATTHEW	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,045

Applicant(s)

LAVERICK ET AL.

Examiner

LUU MATTHEW

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/29/05: 7/7/04: 1/13/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kempkers et al (5,415,554) in view of Anderson et al (6,827,384) or Gort et al (US 2003/0127878).

Regarding claim 1, Kempkers discloses (Figs. 1, 2 and 4) a navigation assembly (a compass 50 and a compass housing 28); and a mounting assembly (Fig. 4, panel 21) for mounting on a support pillar (18) of the vehicle (10) and sized and configured to receive the navigation device (compass 50) (Column 3, lines 21-42; and column 4, lines 20-24).

The only difference between the disclosure of Kempkers and the claimed invention is that claim 1 requires "a portable" navigational device.

However, Anderson discloses (Figs. 1-3 and 7-10) a mounting assembly (30) for mounting on a support pillar of the vehicle configured to removably receive a portable navigation device (20) (Column 3, lines 44-56; and column 7, lines 11-24, teaches the portable personal data assistants (PDA) and portable GPS receivers).

Therefore, it would have been obvious to a person of ordinary skill in the art to use the navigation assembly of Anderson for the navigation assembly of Kempkers to

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provide a mounting assembly wherein different articles such as PDA, wireless phones, GPS, etc. can be easily removably attached thereon.

Gort (US 2003/0127878), on the other hand, also discloses (Fig. 1 and 2) a mounting assembly (10) for mounting a navigational device on a pillar (Section 29, the last 5 lines; and section 41, lines 1-13).

Therefore, it would have been obvious to a person of ordinary skill in the art to use the mounting assembly (10) of Gort to receive and support the navigational device of Kempkers to provide a mounting assembly (10) that is capable of removably and interchangeably receiving and supporting a wide variety of navigational devices.

Regarding claim 2, Gort further teaches a wide variety of articles (GPS receivers) are not particularly sized and configured to fit an existing space within the vehicle (Section 41, lines 1-13). Furthermore, the negative limitation, "not particularly sized", excluded what the inventors did not invent rather than distinctly and particularly pointing out what they did invent. In re Schechter, 205 F.2d 185, 98 USPQ 144 (CCPA 1953).

Regarding claim 3, Kempkers discloses (Fig. 1) wherein the support pillar (18) is a pillar directly above the vehicle's windshield (17).

Regarding claim 4, Anderson further discloses (Figs. 15A-15C) the mounting assembly includes a trim piece (202), a base (204), a docking station (storage place

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206), and a retractable face plate (panel 208) mounted within the docking station (206).

Furthermore, it is well known in the art that a CD music disc can be considered as a face plate for inserting within the CD player docking station.

Regarding claim 5, Kempkers discloses (Figs. 3-5) electrical connections.

Regarding claim 6, Anderson further discloses a speaker in the docking station (Column 7, lines 1-2 and lines 16-18). Furthermore, it is well known in the art that the navigation device is voice activated.

Claim Rejections - 35 USC § 103

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kempkers in view of Anderson or Gort as applied to claims 1-6 above, and further in view of Ockerse et al (6,928,366).

Regarding claim 7, Kempkers fails to disclose the GPS device.

However, Ockerse discloses (Fig. 3) a GPS device includes a navigation component (GPS 118 and magnetic sensor circuit 102), a processor (110), a memory (non-volatile memory 112), a display (heading indicator 114), an input (user input 116), and it is well known in the art that these well known components are assembled in the housing. See column 9, line 40 to column 10, line 30.

Therefore, it would have been obvious to the person of ordinary skill in the art to use the GPS compass device of Ockerse for the compass device of Kempkers to provide a more accurate navigation device.

Answer to Arguments With Traverse

Applicant's election with traverse of Group I in the reply filed on November 29, 2005 is acknowledged. The traversal is on the ground(s) that "However, a all claims have limitations directed to a support pillar of a vehicle". This is not found persuasive because the process as claimed can be practiced by another materially different apparatus such as the navigational device being installed in different positions such as overhead console or a dashboard of a vehicle. In addition, the apparatus as claimed does not required installing the navigational device into a vehicle to work, i.e. a user can take the navigation device for hiking.

The requirement is still deemed proper and is therefore made FINAL.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Clark et al (us 2002/0163219) disclose (Figs. 1-3) a mounting assembly (30) for mounting on a support pillar of the vehicle configured to removably receive a portable navigation device (20).

-Donovan et al (US 2004/0041499) disclose a hinge mechanism for a monitor of an overhead console.

-Teowee et al (US 2003/0090371) disclose pyroelectric intrusion detection in motor vehicles.

-Bugno et al (6,140,933) disclose rearview mirror assembly with internally mounted compass sensor.

-Turnbull (US 2004/0196179) discloses vehicle rearview assembly incorporating a tri-band antenna module.

-Edwards et al (US 2003/0188103) disclose interchangeable cartridge data storage system for devices performing diverse functions.

-Ishibashi (6,111,964) discloses (Fig. 3) a microphone device navigation system installed in a pillar of a vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a large, stylized initial 'M'.

MATTHEW LUU
PRIMARY EXAMINER